

(j) *On-site official*. The individual in command of an installation or separate facility or location. For the Pentagon Building only, the chairman of the Department of Defense Concession Committee is designated as the on-site official.

(k) *Permit*. The official written approval to establish and operate a vending facility requested by and issued to a State licensing agency by a DoD Component.

(l) *Satisfactory site*. An area fully accessible to vending facility patrons and having sufficient electrical, plumbing, heating, and ventilation outlets for the location of a vending facility in accordance with applicable health and building requirements. Effective March 23, 1977, a "satisfactory site" will have a minimum of 250 square feet available for sale of items and for storage of articles necessary for the operation of a vending facility, unless the Head of the DoD Component and the State licensing agency agree that a smaller or larger facility is appropriate.

(m) *State*. The 50 States, District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

(n) *State licensing agency*. The State agency designated by the Department of Health, Education, and Welfare, Commissioner of the Rehabilitation Services Administration to issue licenses to blind persons for the operation of vending facilities on Federal and other property.

(o) *Substantial alteration or renovation*. A permanent material change in the floor area of a building which would render it appropriate for the location and operation of a vending facility by a blind vendor.

(p) *Vending facility*. Automatic vending machines, cafeterias, snack bars, cart services, shelters, and counters, which sell such items as newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles and services to be dispensed automatically or manually and which are prepared on or off the premises in accordance with applicable health laws and further including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State within such State. "Vending facility" does not include

food dispensing facilities (e.g., food operations of open messes/military clubs) which engage primarily in full table-service operations.

(q) *Vending machine*. For the purpose of assigning vending machine income, means a coin or currency operated machine which dispenses articles or services, except that machines providing services of a recreational nature, commonly referred to as amusement machines (e.g., jukeboxes, pinball machines, electronic game machines, pool tables, shuffle boards, etc.) and telephones, are not considered to be vending machines.

(r) *Vending machine income*. DoD Component receipts from DoD Component vending machine operations on Federal property, after deducting all applicable costs incurred (costs of goods, service, maintenance, repair, cleaning, depreciation, supervisory and administrative personnel, normal accounting, accounting for income-sharing, and so forth) where the machines are operated by any DoD Component activity; or commissions received (less applicable DoD Component costs) by any DoD Component activity from a commercial vending firm which provides vending machines on Federal property for, or with the approval of, any DoD Component activity.

(s) *Vendor*. A blind licensee who is operating a vending facility on Federal or other property.

## PART 261—ARMED SERVICES MILITARY CLUB AND PACKAGE STORES

Sec.

261.1 Purpose.

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AUTHORITY: 50 U.S.C. Appendix, Section 473, section 6.

SOURCE: 47 FR 34533, Aug. 10, 1982, unless otherwise noted.

### § 261.1 Purpose.

This part incorporates DoD Directive 1330.15, "Alcoholic Beverage Control,"

## § 261.2

May 4, 1964, (which is hereby cancelled), provides policy and assigns responsibilities for the operation of military clubs and package stores of the Army, Navy, Air Force, and the Marine Corps; and authorizes the development, publication, and maintenance of DoD 1015.3-R, "Armed Services and Military Club and Package Store Regulations."

### § 261.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense and the Military Departments, including DoD activities with clubs and package stores designated as a service (executive agent) responsibility, and Defense Agencies (hereinafter referred to as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

### § 261.3 Policy.

It is the policy of the Department of Defense that Armed Services military clubs and package stores be established as an essential part of the DoD Morale, Welfare and Recreation (MWR) program. In addition, the Department of Defense shall establish controls and procedures governing the sale of alcoholic beverages in these clubs and package stores. Affirmative measures shall be taken to provide character guidance, emphasizing the harmful effects of the immoderate use of alcohol. Chaplains and local community and national organizations shall assist in this effort. Military clubs shall provide dining, essential feeding (where required), and social programs, services, and facilities to eligible patrons. Package stores shall provide the sale of alcoholic beverages purchased for off-premise consumption by authorized patrons, and also provide a resale source of alcoholic beverages for all other authorized activities under 50 U.S.C., Appendix, Section 473. The establishment, management, and control of club and package store nonappropriated fund instrumentalities (NAFIs) shall be in accordance with DoD Directive 1015.1, "Establishment, Management, and Control of Nonappropriated Fund Instrumentalities (NAFIs)," August 19, 1981.

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### § 261.4 Procedures.

Procedures and guidance are prescribed in DoD 1015.3-R, "Armed Services Military Club and Package Store Regulations." Chapter 4, section C., of this guidance reads as follows:

"C. *COOPERATION*. The Department of Defense shall cooperate with local, state, and federal officials to the degree that their duties relate to the provisions of this chapter. However, the purchase of all alcoholic beverages for resale at any camp, post, station, base, or other DoD installation within the United States shall be in such a manner and under such conditions as shall obtain for the government the most advantageous contract, price and other considered factors. These other factors shall not be construed as meaning any submission to state control, nor shall cooperation be construed or represented as an admission of any legal obligation to submit to state control, pay state or local taxes, or purchase alcoholic beverages within geographical boundaries or at prices or from suppliers prescribed by any state."

### § 261.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&AL)) shall:

(1) Provide guidance and direction in carrying out the provisions of this part; and shall establish, maintain, and disestablish clubs and package stores in accordance with DoD Directive 1015.1.

(2) Delegate executive agent responsibilities consistent with DoD Directive 1015.1.

(3) Develop, publish, and maintain DoD 1015.3-R, consistent with DoD 5025.1-M.

(b) The *Secretaries of the Military Departments* shall:

(1) Act as executive agents for the administration of clubs and package stores, consistent with DoD Directive 1015.1.

(2) Establish a Fund Council whose composition and membership are provided at Chapter 1 of DoD 1015.3-R.

(c) The *Director of Defense Agencies* shall coordinate with the Military Service concerned in the preparation of a memorandum of understanding detailing Defense Agency responsibilities for the operation of clubs and package stores under the direction, regulation, and administration of the Military Service concerned.